

MINUTES
SECURITY SERVICES LICENSING BOARD
August 10, 2006 - 9:00 A.M.
Room 402 (formerly 428) - Fourth Floor - Heber Wells Building
160 East 300 South, Salt Lake City, Utah

CONVENED: 9:00

ADJOURNED: 3:40

PRESENT:

Clyde Ormond, Bureau Manager
Jacky Adams, Board Secretary

Board Members:

Jim Young	Paul Roth
John McCoy	Rick Hawkins

ABSENT:

Marci McGregor Clayton Merchant

GUESTS:

Robert Anderton, PACSCO; Royd Walters, JTC Security; Michael Paul Adams; SOS Security; Judi Jensen, Assistant Attorney General; Galen Kester; DOPL Investigations; Steve Davis, DOPL Investigator; Robert Downard, DOPL Investigations

TOPICS FOR DISCUSSION:

DECISIONS AND RECOMMENDATIONS:

ADMINISTRATIVE BUSINESS:

Approve Minutes from the April 13, 2006

Mr. Rothe seconded by Mr. McCoy made a motion to approve the minutes from the April 13, 2006 meeting, as written, the motion carried unanimously.

Approve Minutes from the June 8, 2006

Mr. Rothe seconded by Mr. McCoy made a motion to approve the minutes from the June 8, 2006 meeting, as written, the motion carried unanimously.

Open & Public Meeting PowerPoint

Mr. Ormond conducted a PowerPoint presentation on the "Open & Public Meeting".

Appoint New Chairperson

Mr. Hawkins seconded by Mr. Rothe made a motion to re-elect Mr. Young as the Chairperson for the next year, the motion carried unanimously.

APPOINTMENTS and NEW APPLICATIONS received since June 8, 2006 board meeting:

9:45 a.m.- All Pro Security,
Robert Conner Qualifying Agent

Mr. Conner did not appear before the Board for his scheduled appointment, to review his application for licensure as a Contract Security Company and Qualifying Agent. Mr. Ormond

explained that Mr. Conner has worked as a full time Peace Officer in Orem, UT, since 1982, and was also the Qualifying Agent for Centurion Security from October 2004 to June 2006. Mr. Connors position, as a Peace Officer may be a conflict of interest, due to the time and responsibilities required. Mr. Ormond reminded the Board that since 2000 they had approved five full time Peace Officers. He then asked Ms. Jensen if the Board had already set precedence, and if they had could they now restrict Peace Officer from holding this position. Ms. Jensen explained that the Statue does not stop the Board from determining that to protect Public Safety, Health, and Welfare a full time Peace Officer cannot be a Qualifying Agent. Mr. Young explained that it would be in the best interest of the industry to review each potential Qualifying Agent on a case-by-case basis.

It was then commented that Mr. Connor is in a different situation, where as he is the Owner of this Company. Mr. McCoy seconded by Mr. Rothe made a motion to table this application until the next meeting on October 12, 2006, to enable Mr. Conner to attend, the motion carried unanimously.

11:15 a.m.-LaMar, Jill

Ms. LaMar appeared before the Board for her scheduled appointment. Mr. Ormond reviewed her MOU (Memorandum of Understanding), and explained to the Board that Ms. LaMar has had four positive drug screens since March 2006.

Mr. Jackson reviewed all prescriptions and determined that Ms. LaMar had a valid prescription for each of her positive drug screens. Mr. Ormond then noted that an "Employer Report" had not been received since April 2006. Mr. Hawkins seconded by Mr. McCoy made a motion that once Ms. LaMar submits her "Employer Report" she will be in compliance with her MOU, motion carried unanimously.

Ms. LaMar then asked how much longer she would be required to submit to drug screens; Mr. Ormond suggested she ask to be released at her next appointment. Her next appointment will be December 14, 2006 at 9:15 a.m.

11:30 a.m.-Allied Security,
Jeremy Lee Qualifying Agent

Mr. Lee appeared before the Board for his scheduled appointment, to review his application for "Replacement of Qualifying Agent" for Allied Security, LLC. Mr. Ormond reviewed his application and explained that Mr. Lee had submitted a complete application on July 20, 2006. They questioned Mr. Lee on the date that Ms. Urses (the previous Qualifying Agent) had ceased her association with this company, due to a misunderstanding the board thought Ms. Urses had left the industry in April 2006. Mr. Lee explained that Ms. Urses held an active role within the Company until July 1, 2006. It was determined that the Division will do a desk audit of the Company to obtain proof that Ms. Urses had been actively involved, between April and July 2006, the Division of Corporations and Commercial Code would also be contacted to verify proper registration.

Mr. McCoy seconded by Mr. Hawkins, made a motion to approve licensure to Mr. Lee as Qualifying Agent, the motion carried unanimously.

LUNCH

1:15 p.m.- Michael Paul Adams,
New QA Exam

Mr. Adams appeared before the Board for his scheduled appointment. Mr. Ormond reviewed the Board minutes from the last meeting on June 8, 2006, explaining that this issue had been tabled until this meeting, so a quorum could be present. Mr. Adams had questioned the reliability of Thompson Prometric; several licensees had been given the old Qualifying Agent exam, after the new exam was to be implemented. Mr. Adams felt that this gave some licenses an unfair advantage. Mr. Ormond then explained that Thompson Prometric had replaced Mr. Gurrey with Ms. Shamla, who is dedicated to correcting any errors, which have been made. Mr. Adams commented that he felt Thompson Prometric should be retesting licenses who took the wrong exam, for no charge. Mr. Ormond stated he would look in to this.

Another issue Mr. Adams had mentioned was the cost of the study material for this Exam. Mr.

Ormond reminded the Board the PACSCO (Professional Alliance of Contract Security Companies) has access to this study material and is willing to lend them out as needed.

1:45 p.m.- Groberg, Michael

Mr. Groberg appeared before the Board for his scheduled interview, to review his application for licensure as an Unarmed Private Security Officer. Mr. Ormond reviewed the application and explained that, Mr. Groberg had submitted a complete application on July 5, 2006. He had disclosed a June 7, 2005 Disorderly Conduct charge, which he plead Guilty to on August 17, 2005. Mr. Ormond then read a letter Mr. Groberg had submitted with his application. Mr. McCoy asked if Mr. Groberg had been required to take any anger management coursed, Mr. Groberg answered "No".

Due the nature of and the circumstances around this charge. Mr. Hawkins seconded by Mr. McCoy made a motion to deny licensure, the motion carried unanimously.

2:00 p.m. – Asset Protection Team,
Melvin Long QA

Mr. Long appeared before the Board for his scheduled interview. Mr. Ormond reviewed his application and explained that Mr. Long has been the Qualifying Agent for Vance Federal Security Services, Inc, since 2003. He further commented that there would not be a conflict of interest, if Mr. Long were approved, between Vance Federal Security Services, Inc and Asset Protection Team, because Asset Protection Team does not have any employees with in this state and does not foresee having any in the future.

Mr. Rothe seconded by Mr. Hawkins made a motion to approve Mr. Long as the Qualifying Agent, for Asset Protection Team, the motion carried unanimously.

DISCUSSION ITEMS:

Deseret News Article
Security Officer with Police Powers

This issued was tabled until the next meeting on October 12, 2006.

Proposed Rule Or Change

Mr. Ormond reviewed the proposed rules changes, which were discussed at the last meeting on June 8, 2006:

R156-63-304 (3): to better define the

minimum standards for Firearms Training.

R156-63-301 (5): to reflect “Penalty Hours” for armed security guard who do not complete the required 4 hours of CE (continuing education) within the appropriate time frame.

R156-63-603 (4): to better define what an instructor is.

R156-63-603 (8): to allow CE credit to instructors for presentation and presentation of CE courses.

R156-63-603 (1): to require twenty-four basic training hours prior to issuance of licensure.

The Board determined that they agreed with all of the changes except, changes made to R156-63-603 (1).

Mr. McCoy commented that as a Peace Officer he must undergo 500 hours of initial training. Mr. Ormond explained that 58-63-302 (2)(f) requires a security guard to successfully complete a basic training requirement, prior to licensure; the Division cannot change R156-63-603 (1) to require more hours for basic training without that training being completed prior to licensure. He then commented that “Proprietary Companies” are requiring twelve to twenty-four hours of training. Mr. Young commented that the larger “Proprietary Companies” may be requiring this number of hours, however the smaller companies are requiring less than what the Division currently requires. Mr. Ormond agreed stating, however, that “Contract Security” needs to be competitive by insuring that their security guard are better trained to meet the demands of the industry and their clients. Mr. Anderton commented that the industry would support a twenty-four ongoing training, but to require this prior to licensure could be a hardship for them. Mr. Ormond felt to better serve and protect the public raising the basic training from eight to twenty-four hours was in the best interest of all parties; this would extend out the training to allow more time for retention of information, the public and industry would have safer and better-trained security guard. Mr. Anderton then suggested allowing licensure with the current requirements, then

requiring a security guard six-months to complete an additional sixteen hours, the remainder to be completed prior to renewal. Ms. Jensen stressed that this was not in the best interest of the public, the Division poses the risk of not be aware of the training not being completed properly for up to two years. Mr. Ormond then reminded the Board that their purpose is to protect the public safety, health, and welfare, not only support the industries "Bottom Line".

Mr. Walters suggested setting up a training program similar to POST (Peace Officer Standards Training). Mr. Rothe stated that the industry needs to have their security guards trained and at a post, in the most efficient manor, further stating that the Companies do not want security guards trying to compete with Police Departments. Mr. McCoy agreed stating, a security guard should not be trying to compete with the Police, but should still be required to undergo a more extensive training program. Mr. Anderton added that it would be better for the Industry to allow eight hours of basic training, then complete the remaining hours under an OJT (On the Job Training) letter. He further commented that most clients require specific site training, for each security guard, which is in addition to the eight hours currently required. Mr. McCoy stated that if the training is already being done why not complete it prior to licensure. Mr. Anderton commented that not all clients require the additional training. He further stated the issue might not be the amount of basic training required, but enforcement current requirements, for all Companies. Mr. Ormond again reminded the Board that the purpose of this Board is to protect the public, not look out for the industries "Bottom-line". Mr. Ormond then suggested a variation on Mr. Walters's suggestion, the Companies could continue to give the training, then send the security guard to a Division approved testing site. Mr. Anderton stated that at one time it was suggest having SLCC (Salt Lake Community College); preparing, training, and testing all security guards. The Board was concerned with the cost and time involved with allowing Thompson Prometric or SLCC administering this exam. Mr. Ormond explained that the Division did have a

small fund, which would help to get this started. Mr. Walters commented the Association and Companies should help with this initial cost, then a fee could be required for each test.

Mr. Anderton then explained that not all security guards are being trained, or need to be trained the same way. "Some clients required intensive site training, while other just require a body". The industry may not support the additional training for a security guard who is just needed as a presence. Mr. Hawkins then suggested separating out licensure, having different levels of armed and unarmed security guards. Mr. Ormond reminded the Board that this would require a statutory change, however this statute will be opened at the next legislative session, this would be a good time to make this change.

Mr. Hawkins asked if the Division was performing random training audits. Mr. Ormond commented at this point he did not know. He then added that the Board was correct if the current system is not working, this system should be corrected prior to making any major changes. Mr. Rothe suggested making the Qualifying Agent responsible for any inappropriate actions of his security guards; if a licensee is brought to the Board for "Unprofessional Conduct or Unlawful Conduct" issues the Qualifying Agent should be required to appear at the time of the initial interview.

At this point Mr. Davis, Mr. Downard, and Mr. Kester joined the meeting. Mr. Ormond updated them on the current discussion. Mr. Downard commented this profession must increase their basic training to be more competitive with other states, suggesting forty hours of training prior to licensure. He then stated that the Board and Division need to set some detailed standards for initial training, as well as continuing education. Mr. Kester added the Board must put more emphasis on the Qualifying Agent to insure that training is properly being done, and that the security guards are following all aspects of the Laws and Rules, which govern this profession. Mr. Davis explained that the investigators do perform random audits on continuing education for some professions. But prior to them initiating an audit they need set standards, to refer to.

Mr. Ormond suggested setting up a committee of two board members, one association member, one representative from the attorney generals office and one representative from DOPL investigations who will be responsible to review:

Standards for trainers of the basic education program; the basic education program; changing the rules so that the Qualifying Agent is held responsible for any violation of the rules by the company, or an security guard under their authority; changing the rule to better hold the security guard responsible for any violations; establish standards for the basic training examination; discuss how to add to the statute citation authority for certain parts of unprofessional conduct; directly define the equipment and use of a light bar; and identify any other statutory changes that need to be made in the future.

It was decided to have this committee join the Contract Security Education Committee. This meeting will be held on August 31, 2006 at 9:00 a.m.

The Board will review their decisions at the next meeting on October 12, 2006. Mr. Ormond then suggested starting by reviewing the examination issues. Mr. Young, Mr. McCoy (from the Board), Mr. Downard (from DOPL Investigations) and Mr. Anderton (from the Association) all volunteered to participate in this committee.

Security Service Amendments Discussion

This issued was tabled until the next meeting on October 12, 2006.

ASIS-Pre-employment
Background Screening

This issued was tabled until the next meeting on October 12, 2006.

Replacement of Qualifying Agent
Procedure

This issued was tabled until the next meeting on October 12, 2006.

What does Practical Experience Mean?

Mr. Ormond received an email questioning what is the definition of "Practical Experience", R156-63-304 (2) states "Qualified continuing

education for armed private security guards and unarmed private security guards shall consist of not less than 16 hours of formal classroom education or practical experience every two years". Because the Division did not have a formal definition, this question was brought to the Board for their review. The Association reminded the Board that the intention of "Practical Experience" was site training, CPR Training, or a security guard who goes above and beyond the call of duty in a given situation, not day to day duties. The Division has always required a date, time, and instructor for all acceptable Continuing Education Courses. Mr. Adams suggested changing R156-63-304 (2) to read "Qualifying Practical Training". Mr. McCoy and Mr. Hawkins felt that "Practical Training" was a better description.

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Mr. Rothe seconded by McCoy made a motion to write a definition of "Practical Training" and change R156-63-304 (2) to read the same, the motion carried unanimously.

Light Bar Discussion

Mr. Ormond informed the Board that 41-6-1616 of the Utah Motor Vehicle Code no longer exists. This statute has been replaced with 41-6a-1616(4), which prohibits any vehicle other than an authorized emergency vehicle to have rotating lights. Mr. Davis suggested a change in R156-63-610 (2) to reflect this. Mr. Anderton explained that he felt the light bars were a safety precaution, i.e. if a security guard is at a call, just sitting in a car the Police do not know who you are from a distance, however if you have a set of flashing lights the security guard is more easily distinguished.

CORRESPONDENCE:

Utah Law & Qualifier Exam Pass Rates

This issued was tabled until the next meeting on October 12, 2006.

NEXT MEETING:

October 12, 2003

DATE APPROVED

CHAIRPERSON, CONTRACT SECURITY SERVICES

DATE APPROVED

BUREAU MANAGER, DIVISION OF
OCCUPATIONAL & PROFESSIONAL
LICENSING